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JC490 U.S. PTO

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09/677962  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

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Lyles et al.

Atty Docket: 068351.0110

Filed: October 3, 2000

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For: POROUS DRUG DELIVERY SYSTEM

DIVISIONAL PATENT APPLICATION TRANSMITTAL

Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

Sir:

EXPRESS MAIL MAILING LABEL

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: Commissioner for Patents, Washington, D.C. 20231

Number: EL609945154US  
Date: October 3, 2000

*James C. Cannon*  
Signature

Applicant hereby submits the following documents to be filed with the United States Patent and Trademark Office:

1. Specification: 39 pages, including claims and abstract;
2. Informal drawings, consisting of 5 pages;
3. Combined Declaration and Power of Attorney;
4. Preliminary amendment;
5. Check for \$355;
6. Return receipt postcard. Please date stamp and return the enclosed postcard evidencing receipt of these materials.

The Commissioner is authorized to debit Baker Botts, L.L.P. Deposit Account No. 02-0383 for any underpayment of fees which may be due in association with this filing.

Respectfully submitted,



Christopher J. Buntel, Ph.D.  
Reg. No. 44,573  
AGENT FOR ASSIGNEE  
MATERIALS EVOLUTION AND  
DESIGN, USA

Baker Botts, L.L.P.  
One Shell Plaza  
910 Louisiana  
Houston, TX 77002-4995  
(713) 229-1992

October 3, 2000

10/03/00  
JCE90 U.S. PTO

10-04-00

GP-3731

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior Application Examiner: Julian Woo

Atty Docket: 068351.0110

Prior Group Art Unit: 3731

REQUEST FOR FILING DIVISIONAL APPLICATION  
UNDER 37 C.F.R. § 1.53(b)

**CERTIFICATE OF EXPRESS MAILING**

NUMBER EL609945154US  
DATE OF DEPOSIT October 3, 2000

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Washington, D.C. 20231.

*James Lammach*  
Signature

*Pls file*  
*Pls handle*  
*A*

**BOX PATENT APPLICATION**  
Commissioner for Patents  
Washington, D.C. 20231

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/170,574 filed on October 13, 1998 entitled "Implantable system for cell growth control".

1. Enclosed is a copy of the prior application Serial No. 09/170,574 as originally filed, including specification, claims, drawings, and declaration. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such

willful false statement may jeopardize the validity of the application or any patent issuing thereon.

The inventorship is the same as prior Application Serial No. 09/170,574.

Deletion of inventor(s). A signed statement is attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

Priority of foreign patent application number , filed on in is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:

is enclosed.

has been filed in the prior Application Serial No. .

2. The Commissioner is requested to grant Applicant a filing date in accordance with Rule 1.53, and supply Applicant with a Notice of Missing Parts in due course, in accordance with the provisions of Rule 1.53(f).

3. Enclosed is a check in the amount of \$355 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment (if any) referenced below.

#### Small Entity Filing Fees Calculation

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee				355
Total Claims	16 - 20		X 9 =	0
Independent Claims	1 - 3		X 39	0
Multiple Dependent Claims	0		130	0
Total Filing Fees:				\$355

4. Applicant is entitled to Small Entity Status for this application.

A Small Entity statement is enclosed.

A Small Entity statement was filed in the prior nonprovisional application and such status is still proper and desired.

Small Entity status is no longer claimed.

5. If the check is missing or insufficient, the Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Baker Botts, L.L.P. Deposit Account No. 02-0383.

6. Enclosed is a copy of the current Power of Attorney in the prior application.

7. Address all future communications to:  
  
Baker Botts, L.L.P.  
One Shell Plaza  
910 Louisiana  
Houston, TX 77002-4995  
(713) 229-1234

8. The prior application is presently assigned to .

9. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the calculation above and the fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.

10. Cancel in this application claims of the prior application before calculating the filing fee (at least one original independent claim must be retained).

11. Amend the specification by inserting before the first line the sentence: --This is a divisional of co-pending application Serial No. 09/170,574 filed on October 13, 1998.--.

12. Enclosed are formal drawings.

13. An Information Disclosure Statement (IDS) is enclosed.

PTO-1449.

Copies of IDS citations.

14. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. filed on , for use in this application. Under 37 C.F.R. § 1.821(e), Applicant states that the paper copy of the sequence listing in this application is identical to the computer readable copy in parent application Serial No. filed on . Under 37 C.F.R. § 1.821(f), Applicant also states that the information recorded in computer readable form is identical to the written sequence listing.

15. A Return Receipt Postcard is enclosed (should be specifically itemized). Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,



Christopher J. Buntel, Ph.D.  
Reg. No. 44,573  
AGENT FOR ASSIGNEE,  
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